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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,223

07/22/2003

Jeff Hodson

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7590

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EXAMINER

LU, CHARLES EDWARD

ART UNIT

PAPER NUMBER

2163

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/624,223	<b>Applicant(s)</b> HODSON ET AL.	
	<b>Examiner</b> Charles E. Lu	<b>Art Unit</b> 2163	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/19/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-30 have been submitted for examination.
2. Claims 1-30 have been rejected.

#### ***Drawings***

**3. The drawings filed May 20, 2004 are objected to because of the following informalities:**

As to fig. 1, it appears that #16 "Internet" was not described in the specification. The drawings should be carefully checked to ensure that all reference numerals are described in the specification.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. For example, all the features of the method of claim 1 must be shown (e.g., in a flowchart) or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

**4. The specification filed July 22, 2003 is objected to because of the following informalities:**

The specification appears to not describe element 16 of fig. 1, "Internet." The specification should be carefully checked to ensure that it describes all reference numerals of the drawings.

The title of the invention is neither precise nor descriptive. A new title is required which should include, using twenty words or fewer, claimed features that differentiate the invention from the prior art. It is recommended that the title should reflect the gist of or the improvement of the present invention.

Appropriate corrections are required.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**6. Claims 13-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

**As to claim 13**, the claimed apparatus appears to be implemented in software modules per se, which is functional descriptive material per se and non-statutory.

**Claims 14-22** are rejected under 35 U.S.C. 101 because of their dependency on claim 13 and because they do not cure the defects of claim 13.

**As to claim 25**, the claimed apparatus appears to be implemented in software per se (e.g., a processing module, measuring module, reports processing module) and is therefore rejected for the same reason as claim 13.

**Claims 26-30** are rejected under 35 U.S.C. 101 because of their dependency on claim 25 and because they do not cure the defects of claim 25.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**8. Claims 1, 2, 4, 6-9, 11, 13, 14, 16, 18-21, 23, 25, 26, and 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Eilbacher et al (U.S. Patent 6,724,887).**

**As to claim 1**, Eilbacher teaches the claimed subject matter including:

Compiling performance reports (col. 10, ll. 50-62) in a contact center (fig. 5, #201) serving a plurality of clients (fig. 3, #100) through the Internet (fig. 5, #202) using a plurality of agents (fig. 3, #104);

Opening a transaction file (col. 10, ll. 28-44) for saving information about Internet exchanges (col. 6, ll. 1-8) between an agent of the plurality of agents and a client of the plurality of clients;

Measuring indicia of activity (e.g., satisfactory or unsatisfactory experience, col. 12, ll. 54-55) for the Internet exchanges between the agent and client;

Adding the measured indicia of activity to the transaction file (col. 12, ll. 54-64, col. 11, ll. 50-54, col. 10, ll. 57-61); and

Compiling a report based upon the transaction file (col. 9, ll. 57-67, col. 12, ll. 54-64).

**As to claim 2**, Eilbacher teaches wherein the step of opening the transaction file further comprises detecting an initial contact between the agent and the client (e.g., caller initiated transaction, col. 9, ll. 10-20).

**As to claim 4**, Eilbacher teaches wherein the step of measuring the indicia of activity further comprises counting a number of exchanges between the agent and the client (e.g., number of conversations or number of transfers, col. 10, ll. 13-17).

**As to claims 6 and 7**, Eilbacher teaches counting a number of exchanges (conversations) between a customer and an agent (col. 10, ll. 14-16), as described in parent claim 4. The limitation of chat sessions and instant messaging is met by the telephone communications of Eilbacher (fig. 5, col. 10, ll. 4-26) because a telephone conversation is a chat session and the messaging between parties of a telephone conversation is instant.

**As to claims 8, 9 and 11**, Eilbacher teaches segregating exchanges between the agent and client from other exchanges between other agents and other clients (col. 10, ll. 36-44), and from other exchanges between the agent and the client (using a time stamp for an exchange between agent and client, col. 10, l. 37), further comprising correlating an identifier of the agent and client with the transaction file (i.e., customer and agent identification, col. 10, ll. 36-37). Since every transaction is marked by a time stamp, agent name, customer name, etc., each exchange is segregated from other exchanges between agents and other clients, as well as the agent and the client, because the other transactions are marked with different time stamps, agent names, and customer names.

**Claims 13, 14, 16, 18-21, 23, 25, and 26** are drawn to an apparatus claiming the same invention as method claims 1, 2, 4, 6-9, 11. Therefore, claims 13, 14, 16, 18-21, 23, 25, and 26 are rejected based upon the same reasoning as stated above in the rejection of claims 1, 2, 4, 6-9, 11.

**As to claims 28, 29, and 30**, Eilbacher teaches wherein the exchanges comprise email (fig. 5, #202, col. 10, ll. 4-26), instant messaging, and chat sessions (met by telephone conversations of fig. 5 and col. 10, ll. 14-16, as addressed above).

***Claim Rejections - 35 USC § 103***

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**11. Claims 3, 15, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eilbacher et al (U.S. Patent 6,724,887).**



**As to claim 3**, Eilbacher teaches identifying a prior contact of an agent involving the client (col. 13, ll. 1-40, col. 5, ll. 22-25). Contacts of an agent are stored in a database (col. 10, ll. 27-44).

Eilbacher does not expressly teach wherein a prior contact list of the agent is searched to identify prior contacts, or wherein the searching is performed when the initial contact is detected between the agent and client.

However, Eilbacher teaches detecting initial contact (using cradle to grave recording, col. 9, ll. 14-20), and storing the agent's communications in a database (col. 10, ll. 28-44). The database stores the customer and the agent (col. 10, ll. 36-39), and marks unsatisfactory communications (col. 11, ll. 51-53).

Official notice is taken that at the time the invention was made, it was conventional to store information in a list and search a list.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eilbacher with the above teachings, such that unsatisfactory contacts with customers (Eilbacher, col. 11, ll. 51-53) are stored in a list. The motivation would have been to facilitate knowing if the agent had a previous conversation(s) with the customer (by searching a smaller list, instead of potentially the entire customer database), and to inform the agent when contact is established that he/she is speaking to a customer with a previous unsatisfactory experience, as taught by Eilbacher (col. 5, ll. 22-25).

**Claims 15 and 27** are drawn to an apparatus claiming the same invention as method claim 3. Therefore, claims 15 and 27 are rejected based upon the same reasoning as stated above in the rejection of claim 3.

**12. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eilbacher et al (U.S. Patent 6,724,887) in view of Armstrong (U.S. Patent 6,356,633).**

**As to claim 5**, Eilbacher teaches counting a number of exchanges (conversations) between a customer and an agent (col. 10, ll. 14-16), as described in parent claim 4.

Eilbacher does not expressly teach wherein the counted exchanges comprise email.

However, Eilbacher further teaches email conversations (fig. 5, #201, col. 11, ll. 45-55). Armstrong teaches, in a call center environment, calculating various averages for email messages (col. 10, ll. 2-16) for an agent. Calculating an average for email messages involves at least the counting of a number of email messages (a number of exchanges). Furthermore, Armstrong teaches that other types of statistic reports may be defined by the user (col. 10, ll. 14-16). Thus, a statistic such as "average message handling time for an agent for a particular customer" can be implemented.

Additionally, official notice is taken that at the time the invention was made, it was conventional to count the number of email messages between a sender and a recipient.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eilbacher with the above teachings, such that a

number of emails is counted. The motivation would have been to facilitate creating statistics for an agent, as taught by Armstrong (col. 10, ll. 2-7). These statistics would assist in determining whether a customer experience is satisfactory, as seen in Eilbacher (col. 11, ll. 25-40, fig. 5, #202, col. 10, ll. 16-17).

**Claim 17** is drawn to an apparatus claiming the same invention as method claim 5. Therefore, claim 17 is rejected based upon the same reasoning as stated above in the rejection of claim 5.

**13. Claims 10, 12, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eilbacher et al (U.S. Patent 6,724,887) in view of Schroeder et al (U.S. Patent 6,760,727).**

**As to claim 10**, Eilbacher does not expressly teach wherein correlating an identifier of the agent and client with the transaction file further comprises matching e-mail addresses of the agent and client to e-mail addresses within the transaction file.

However, Schroeder teaches, in a call center environment, matching e-mail addresses of the agent and client to e-mail addresses within a transaction file (fig. 1b, col. 17, l. 25 – col. 18, l. 30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eilbacher with the above teachings, such that email addresses of the agent and client are matched to email addresses within the transaction file. The motivation would have been to facilitate information retrieval from a variety of customers without regard to the particular format of the information, as taught by Schroeder (col. 18, ll. 22-25).

**As to claim 12**, Eilbacher does not expressly teach wherein segregating exchanges between the agent and client from other exchanges between the agent and client further comprises correlating a subject matter identifier field of the exchanges with a subject matter identifier of the transaction file.

However, Schroeder teaches correlating a subject matter identifier field of exchanges (reply subject, fig. 1b) with a subject matter identifier of a transaction file (orig. subject, fig. 1b, col. 17, l. 25 – col. 18, l. 30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eilbacher with the above teachings, such that a subject matter identifier field of the exchanges is correlated with a subject matter identifier of the transaction file. The motivation would have been to facilitate information retrieval from a variety of customers without regard to the particular format of the information, as taught by Schroeder (col. 18, ll. 22-25).

**Claims 22 and 24** are drawn to an apparatus claiming the same invention as method claims 10 and 12. Therefore, claims 22 and 24 are rejected based upon the same reasoning as stated above in the rejection of claims 10 and 12.

***Conclusion***

14. The following prior art cited on the PTO-892 form, not relied upon, is considered pertinent to applicant's disclosure:

Beck et al. U.S. Patent 6,138,139 discloses a method and apparatus for supporting diverse interaction paths within a multimedia communication carrier.

Dezono, Anthony. U.S. Patent 6,449,356 discloses a method of multimedia transaction processing.

Hartmeier, Martina. U.S. Patent 6,404,883 discloses a system and method for providing call statistics in real time.

Pattison et al. U.S. Patent 6,058,163 discloses a method and system for monitoring call center service representatives.

Peterson et al. U.S. Patent 6,904,143 discloses an apparatus and method for logging events that occur when interacting with an automated call center system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Lu whose telephone number is (571) 272-8594. The examiner can normally be reached on 8:30 - 5:00; M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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